

RPT

20

CONSULTING & SAFETY SPECIALISTS, INC.

P.O. Box 1432, 924 Lefort Bypass Road, Thibodaux, LA 70302 (504) 447-1700

June 19, 1999

Minerals Management Service
Mail Stop 4024
381 Elden Street
Herndon, Virginia 20170-4817

Attention: Rules Processing Team

To Whom It May Concern:

Consulting & Safety Specialists, Inc. has prepared these questions and comments on the proposed changes to 30 CFR Part 250 Subpart O published in the Federal Register, Vol. 64, No. 75, April 20, 1999. Consulting and Safety Specialists, Inc. would like to receive a specific written response to the following questions and comments. The tone of the following is not intended to discredit nor question the integrity of the Federal Government nor any of its employees, but is only being used for emphasis.

MMS's intent as stated is, supposedly, to change to performance based training programs. MMS has had performance based training programs implemented since February 24, 1993. The lessee has always been responsible to see that only qualified personnel work in the OCS as was stated in 250.210 (a) Training performance standard. "Lessee and contractor employees engaged in drilling, well-completion, well-workover, or production operations in the Outer Continental Shelf (OCS) shall be trained in the proper operation of equipment, methods of operation, and techniques to avoid hazards to people and property and to prevent pollution of the environment." This is a true goal that meets operational, educational and training standards.

MMS also does not want to accredit training programs. However, every organization must have training programs that meets MMS standards. The effect of MMS on longer accrediting training organizations is to eliminate the creditability of individual training programs and training organizations. This causes the lessee to personally monitor contractor and third party training programs.

1. 250.1500 The definition of *production safety system employee* should include any supervisor (superintendent, engineer, etc., offshore or onshore) having a direct impact on platform operations.

There is no definition of, or reference to, the definition of drilling operations.

There is no definition of, or reference to, the definition of well-completion operations.

There is no clear definition which distinguishes between routine and non-routine workover operations. Does routine workover operations require well control training under well-workover?

2. **250.1501** "The goal of your training program is safe and clean OCS operations. To accomplish this goal, you must ensure that your employees are experienced and competent in their respective work assignments." If these proposed changes are representative of the Minerals Management Service's (MMS) comprehension of the oil and gas industry, it has become evident that MMS is not qualified to regulate the oil and gas industry, in particular, understand, mandate or evaluate employee training. The goal of a training program should be to develop competent and qualified employees. This section also implies that On-The-Job training is not acceptable.

Please reestablish the old 250.210 Training Performance Standard wording. "Lessee and contractor employees engaged in drilling, well-completion, well-workover, or production operations in the Outer Continental Shelf (OCS) shall be trained in the proper operation of equipment, methods of operation, and techniques to avoid hazards to people and property and to prevent pollution of the environment. This is a true goal that meets operational, educational and training standards.

3. **250.1502** (a) Training programs should not be of concern to MMS as stated "... Because you are accountable for the performance of your employees, you must focus on training results, regardless of the method or process used to train them." MMS should also only focus on results since this is proposed as a performance base standard.
- (b) (2) There is no minimum job qualification standard.
 - (b) (3) Do employees have to be trained in technologies they are currently using?
 - (b) (4) Does the lease operator get fined if a contractor provides "untrained" personnel?
 - (b) (5) Verifying skills every 20-30 years is acceptable, correct?
 - (b) (6) The company can determine the type of recordkeeping and documentation it would like to maintain.
 - (b) (7) Audit plans can be very simple, with no standards for reference, may only be done once, and do not have to impact the training plan.
 - (c) If a company chooses to train every 20 years, records can be discarded after 5 years according to Federal standards.

4. **250.1503** (b) Training in operational practices is not required.
(c) The word encounter, does it mean bump into, see, know of, heard about?
5. **250.1504** The IADC well cap training meets the training standards.
What training requirements are needed for routine vs non-routine well-workover operations? When does routine well-workover operations turn into non-routine when the tree is still installed?
6. **250.1505** (a) Is MMS the enforcement agency for all Federal regulations in an oil, gas and sulfur operational environment? There is no requirements for drilling production, or pipeline operations.
(b) Is MMS implying that API-RP-14C is accurate and provides the correct and adequate protection to prevent personal injury, property damage and pollution of the environment?
(c) & (d) Personnel who do not "encounter" these devices also need this training.
(d) "You must give your employees instructions in at least one safety device that illustrates the primary operation principle in each class for safety devices." However, it is acceptable for the other safety devices that they are not shown to kill them.
7. **250.1506** MMS the enforcement agency for all Federal regulations in an oil, gas and sulfur operational environment. The list of Federally mandated training is grossly incomplete.
8. **250.1507** There is no standard training program required, so how can there be an alternative program.
9. **250.1509** There is no minimum standard, so training can be conducted every 20-30 years and be acceptable.
10. **250.1510** (b) (1) There is no standard, so any plan is acceptable. Auditing a training program is not related to employee performance.
(2) There is no standard, so none of this makes any difference. This section is not related to employee performance.
(3) This implies that MMS will test each employee by name on a periodic basis and maintain records. What will ensure to industry that MMS personnel will be qualified to evaluate personnel?
(4) What will ensure to industry that MMS personnel will be qualified and ensure objectivity?
11. **250.1511** This implies that there are correct answers to a test. Each MMS regional office interprets the regulations, 14C, and well control procedures as it needs to prevent personal injury, property damage, and pollution. Also, each

District and each agent in each District interprets the regulations, 14C and well control procedures as needed. In fact, there are Districts and agents that interpret the regulations, 14C and well control procedures opposite from each other. This makes compliance and training of personnel difficult. Therefore, when MMS tests personnel, which interpretation is correct and are there really any correct answers to the test questions? Since MMS did not teach the employees, whose interpretation is accepted? If MMS has the correct interpretation then MMS should be mandated to publish that interpretation publicly. There should be a conference initiated involving MMS and industry (lessccs, API, and knowledgeable consultants) to establish the appropriate interpretation of both the regulations, API-RP-14C and well control procedures. Appropriate review committees which includes MMS, API, and appropriate industry representatives should be established to review and determine the appropriate interpretation of the regulations, 14C and well control procedures.

12. **250.1512** What ensures that MMS or its authorized representative is competent or qualified?
13. **250.1513** Since there are no minimum standards (interpretations) enforcement is not possible. Who in MMS (by name or position or established judicial entity) will assume the liability being the ultimate interpretation of what is right?
 - (b) There is no specifically identified minimum standard for reference; therefore, how can deficiencies be identified?
 - (c) 30 CFR Part 250 are not included in the criminal codes and can not be considered criminal offenses.
 - (d) Disqualification procedures cannot be initiated against any company. It is stated that it is the company's responsibility to establish qualifications for each job, therefore only the company can disqualify.

As was stated at the meeting on June 10, MMS has memorandums of understanding between each regulatory agency. Please list the regulatory organizations with which MMS has a memorandum of understanding and explain the exclusions and/or limitations of MMS's jurisdiction and authority.

Does MMS have a training program for its employees to determine or establish their qualifications? Is this training program performance based? Are MMS personnel properly trained in the various applicable regulations? Where is MMS's job qualifications and training requirements for each job classification published? Are MMS personnel tested regularly to verify qualifications? What Quality Assurance Program does MMS have in place, or intend to establish, which assures to industry that MMS personnel are qualified in each of their respective positions and duties?

Consulting and Safety Specialists, Inc. prepared a written presentation to MMS on problem issues with both API-RP-14C and 30 CFR Part 250. In May of 1997 a meeting

was held with Mr. Maxie Lambert in Lafayette to discuss the issues. The meeting determined that there were legitimate issues that needed clarification which impacted training. Mr. Lambert agreed to pass the presentation through his enforcement division and have each person mark his/her comments. He said that he would contact Consulting and Safety Specialists, Inc. when the commenting was complete. Consulting and Safety Specialists, Inc. called Mr. Lambert in May of 1998 to check on the status of comments on the presentation and Mr. Lambert rudely stated the he did not have the time to deal with the presentation and not to call him again, he would call Consulting and Safety Specialists, Inc.

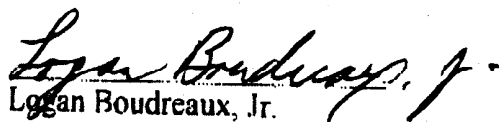
Consulting and Safety Specialists, Inc. is resubmitting its presentation, which will follow, in order to standardize interpretations.

Sincerely,



Keith Benoit

President / Consultant / Instructor



Logan Boudreaux, Jr.

Consultant / Instructor